# COUNCIL MEETING MONDAY, MARCH 21, 2016 COUNCIL CHAMBERS

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Regular session of the Lackawanna City Council met in the Council Chambers, Council President Keith Lewis presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Lewis.

Meeting called to order

**NB:** Meeting being recorded

Roll Call: Council: Present: Lewis, Noman, Iafallo, Jerge, DePasquale

Dept. Heads: Present: Comptroller, Development, Public Safety

**Public Works, City Attorney, Recreation** 

**Approval of Minutes:** of regular meeting of March 10, 2016

Moved by Lewis seconded by DePasquale to adopt minutes of regular meeting of March 10, 2016 as written

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale Carried 5-0

## **Communications from the Mayor:**

## **Mayor- NYCOM Conference**

1. To: City Council

I am requesting your Honorable Body allow a budget transfer of \$1000 from account A1900.1930 (Judgment & Claims) to account A.1210.464 (Travel Allowance) so that I may attend the NYCOM Conference. Thank you for your anticipated cooperation on this matter.

### MAYOR SZYMANSKI

Moved by Jerge seconded by Lewis to receive and file, act on ordinance

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

## **Communications from the Council:**

### **Fourth Ward Council Member-NYCOM Conference**

2. To: City Council

I will be attending the NYCOM Conference which is scheduled for May 1<sup>st</sup> through the 3<sup>rd</sup>, to be held in Saratoga Springs. I request a transfer of funds in the amount of \$1,000 from A1900.1930 Judgment & Claims to Acct. A1010.464, City Council Travel. Any questions or concerns, please contact me.

JEFFREY DEPASQUALE-COUNCIL MEMBER 4<sup>TH</sup> WARD

Moved by Jerge seconded by Noman to receive and file act on ordinance

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

## **Marriage Officer-Noman**

3. To: City Council

I am requesting your support to re-appoint, First Ward Councilmember, Abdul Noman, as a marriage officer for the City of Lackawanna, New York.

I appreciate your cooperation in this matter.

### KEITH E LEWIS-COUNCIL PRESIDENT

Moved by Lewis seconded by Iafallo, to receive and file, act on resolution

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

## **Communications from Department/Division Heads:**

### **Budget Transfer-DPW-Purchase Equipment**

4. To: City Council

I would like to transfer \$15,000.00 from account A.5132.415 (Gas, Oil and Lubricants) into account A.5132.201 (City Garage Equipment) for the purchase of equipment from the NYS Bureau of Federal Property Assistance (Federal Surplus Property Program). If you have any additional questions or concerns, you may contact me at your earliest convenience.

### ANTHONY DESANTIS-COMMISSIONER of PUBLIC WORKS

Moved by Lewis seconded by Jerge to receive and file, act on ordinance

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

### **Budget Transfer-DPW-Purchase of Garbage Totes**

5. To: City Council

I would like to transfer \$2000.00 in order for our department to purchase new 95 gallon garbage totes. If you have any additional questions or concerns, feel free to contact me at your earliest convenience.

#### ANTONIO DESANTIS-COMMISSIONER of PUBLIC WORKS

Moved by Lewis seconded by Iafallo to receive and file, act on ordinance

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

### **Budget Transfer-DPW-Repair/Replacement of Traffic Signals**

6. To: City Council

I would like to transfer \$5000.00 into line item A.3020.443 for repairs and replacements for traffic signals. If you have any additional questions or concerns feel free to contact me at your earliest convenience.

#### ANTONIO DESANTIS-COMMISSIONER of PUBLIC WORKS

Moved by Lewis seconded by Jerge to receive and file, act on ordinance

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

## **Budget Transfer-Codification**

7. To: City Council

I request Council approval of ordinance transferring \$712.35 from the City's fund balance to Account A1410.442, City Clerk, Codification.

This ordinance will provide funding for the invoice submitted by General Code for the induction of ordinances and local laws from period of July 1, 2015 through December 31, 2015 into our Municipal Code books and the City's online code to our website.

## JACQUELINE A CAFERRO-CITY CLERK

Moved by Lewis seconded Iafallo to receive and file, act on ordinance

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale Carried 5-0

# **Budget Transfer-DPW-2015 Pavement Replacement Project**

8. To: City Council

I would like to transfer \$15,000.00 from the General Fund to the Capital Fund for the 2015 Pavement Replacement Project. This amount will be reimbursed through the C.H.I.P.S Program. If you have any additional questions or concerns you may contact me at your earliest convenience.

#### ANTONIO DESANTIS-COMMISSIONER of PUBLIC WORKS

Moved by Lewis seconded by Jerge to receive and file, act on ordinance

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

## **Infinity Hookah Billiards-Cessation of Business Activities**

9. To: City Council

In accordance with Chapter 88.- Business, Registration of; Section 88-13.B. request for the immediate cessation of business operations located at Infinity Hookah, Inc., 1234 Abbott Road, Lackawanna, NY is hereby presented. Based upon recent activities centered at said property the Director of Public Safety and I have determined that such action by this Honorable Body would be in the best interest of the residents of the City of Lackawanna.

Attached for your perusal please find copies of all related supporting documentation that lead to such determination.

**Section 87-13.B.** clearly grants the authority for this Honorable Body to undertake such action when it has been determined as follows:

"When the conduct of any registrant, agent or employee is so detrimental to the public good, welfare, health, safety or morals so as to constitute an immediate danger...and thus give rise to an emergency, the City Council, on majority vote, shall have the authority to order the cessation of business and/or the revocation of the certificate.."

Accordingly, it is hereby requested that this Honorable Body approve this item and order the immediate cessation of all business activities at the location and schedule a special hearing within five (5) days of this action as required by Section 87-13.B.

### FRED K HEINLE-DIRECTOR of DEVELOPMENT

Moved by Jerge seconded by DePasquale to approve request, all business activities to cease until hearing scheduled for Friday, March 25, 2016 @9:30 AM

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale Carried 5-0

## **Standard Work Day Reporting**

10. To: City Council

Attached for your review and approval is the Standard Work Day Reporting Resolution for Elected and Appointed Officials (Form RS 2417-A). The form is utilized to establish the standard work day for each position within the City as required by the New York State and Local Retirement System. Forms RS2419 are also attached.

## PEGGY BIGAJ-SOBOL-CITY COMPTROLLER

Moved by Lewis seconded by Iafallo to approve standard work say for appointed and elected officials

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale Carried 5-0

## **Communications from Citizens:**

## **Traffic on Maple Grove & South Park Avenue**

11. To: City Council

I am looking to address the City Council regarding problems associated with vehicle traffic on Maple Grove and South Park. There are legitimate safety concerns for pedestrians and property owners in this area.

There are many school buses, delivery vehicles, domestic traffic and pedestrian traffic in this tight turn area and there are growing concerns. There are also many noise ordinances that are being violated that have been reported and hardly enforced which I would like to discuss. Thank you for your consideration.

## **SCOTT LOPEZ**

Moved by Lewis seconded by Jerge to receive and file Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

## **Business Registrations:**

(1) Dennis Wright-DBA Dennis Wright Repair-8 Highland Avenue-Auto Repair

Moved by Jerge seconded by Lewis to grant business registration Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

(2) Chase Gechoff-DBA Chase Carpets-1288 Electric Avenue-Carpet Store

Moved by Iafallo seconded by Lewis to grant business registration Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

(3) Mana Muhsen-(McKayla Waleed Ventures)-1283 Abbott Road-Boost Mobile Store

Moved by Jerge seconded by Lewis to grant business registration

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

## **Entertainment Licenses:**

- (1) American Legion Post #63-144 Kirby Avenue-Class 2-Juke Box-\$25
- (2) Cherrystone-715 Ridge Road-Class 1-Live Music-\$50
- (3) Colonel John B Weber Post-2909 South Park Avenue-Class 1-Live Music-\$50
- (4) Curly's Grille-647 Ridge Road-Class 1-Live Music-\$50
- (5) Downtown LA-717 Ridge Road-Class 2-Juke Box-\$25
- (6) Lake Erie Italian Club (Co-op Society)-3200 South Park-Class 1-Live Music-\$50
- (7) McMudz-1441 Electric Avenue-Class 1-Live Music-\$50

Moved by Jerge seconded by Lewis to approve entertainment licenses

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

## **Resolutions:**

# (1) **Resolution #11, 2016**

# **Appointing Council Member Noman as Marriage Officer**

**WHEREAS,** New York State on April 15, 1988 amended the Domestic Relations Law A-1077, allowing the governing body of a municipality the right to appoint Marriage Officers for a period not to exceed four years' effective January 1, 1988; and

WHEREAS, the Marriage Officers shall have the authority to solemnize marriages in the municipality which makes said appointments; and

WHEREAS, the Lackawanna City Council is desirous of appointing a Marriage Officer in conformance with the Domestic Relations Law; and

### NOW, THEREFORE, BE IT

**RESOLVED,** that Abdul S. Noman, be and is hereby appointed as a marriage Officer for the City of Lackawanna, said term not to exceed four years, a limitation as imposed by the law of New York State; and

**BE IT FINALLY RESOLVED,** that this resolution shall take effect immediately

Moved by Lewis seconded by Iafallo to adopt resolution as written

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

## **Ordinances:**

## (1) Travel Allowance-Mayor

# AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE ADOPTED JULY 16, 2015

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the 2015-2016 Budget Ordinance adopted July 16, 2015 is hereby amended

- to transfer appropriations to Mayor, Travel Allowance from Special Items, Judgments & Claims
- **SECTION 2.** That the 2015-2016 Budget Ordinance is hereby amended to transfer \$1,000.00 to budget code A.1210.464 Mayor, Travel Allowance
- **SECTION 3.** That the 2015-2016 Budget Ordinance is hereby amended to transfer \$1,000.00 from budget code A.1900.1930 Special Items, Judgments & Claims

### THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as written Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

# (2) <u>Travel Allowance-Council Member DePasquale</u>

# AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE ADOPTED JULY 16, 2015

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

- **SECTION 1.** That the 2015-2016 Budget Ordinance adopted July 16, 2015 is hereby amended to transfer appropriations to City Council, Travel Allowance from Special Items, Judgments & Claims
- **SECTION 2.** That the 2015-2016 Budget Ordinance is hereby amended to transfer \$1,000.00 from budget code A.1900.1930 Special Items, Judgments & Claims
- **SECTION 3.** That the 2015-2016 Budget Ordinance is hereby amended to transfer \$1,000.00 to budget code A.1010.464 City Council, Travel Allowance

### THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Noman to adopt ordinance as written Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

# (3) DPW--Budget Transfer-Equipment

# AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE ADOPTED JULY 16, 2015

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

- **SECTION 1.** That the 2015-2016 Budget Ordinance adopted July 16, 2015 is hereby amended to transfer appropriations to City Garage, Equipment from City Garage, Gas, Oil & Lubricants
- **SECTION 2.** That the 2015-2016 Budget Ordinance is hereby amended to transfer \$15,000.00 to budget code A.5132.201 City Garage, Equipment
- **SECTION 3.** That the 2015-2016 Budget Ordinance is hereby amended to transfer \$15,000.00 from budget code A5132.415 City Garage, Gas, Oil & Lubricants

### THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

# (4) <u>DPW-Budget Transfer-Garbage Totes</u>

# AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE ADOPTED JULY 16, 2015

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

- **SECTION 1.** That the 2015-2016 Budget Ordinance adopted July 16, 2015 is hereby amended to transfer appropriations to Special Revenue, Refuse, Totes from Special Revenue-Refuse, Gas, Oil & Lubricants
- **SECTION 2.** That the 2015-2016 Budget Ordinance is hereby amended to transfer \$2,000.00 to budget code CL.8160.202 Special Revenue-Refuse, Totes
- **SECTION 3.** That the 2015-2016 Budget Ordinance is hereby amended to transfer \$2,000.00 from budget code CL.8160.415 Special Revenue-Refuse, Gas, Oil & Lubricants

### THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Jerge seconded by Iafallo to adopt ordinance as written Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

## (5) DPW-Communications System Repairs/Replacements

# AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE ADOPTED JULY 16, 2015

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

- **SECTION 1.** That the 2015-2016 Budget Ordinance adopted July 16, 2015 is hereby amended to transfer appropriations to Communication System, Repairs and Replacements from Special Items, Contingent Account
- **SECTION 2.** That the 2015-2016 Budget Ordinance is hereby amended to transfer \$5,000.00 to budget code A.3020.443 Communication System, Repairs and Replacements
- **SECTION 3.** That the 2015-2016 Budget Ordinance is hereby amended to transfer \$5,000.00 from budget code A1900.1990 Special Items, Contingent Account

### THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as written Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

# (6) Codification-Budget Transfer

# AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE ADOPTED JULY 16, 2015

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

- **SECTION 1.** That the 2015-2016 Budget Ordinance adopted July 16, 2015 is hereby amended to increase appropriations for the maintenance contract with General Code for codification of ordinances and local laws to our Municipal Code books; and
- **SECTION 2.** That the 2015-2016 Budget Ordinance is hereby amended to add the sum of \$712.35 to budget code A1410.442, City Clerk, Codification; and
- **SECTION 3.** That the 2015-2016 Budget Ordinance is hereby amended to appropriate \$712.35 of the City's fund balance

## THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as written Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

## (7) **Budget Transfer-DPW Pavement Replacement**

# AN ORDINANCE AUTHORIZING AN INTER-FUND ADVANCE BETWEEN THE GENERAL FUND AND THE CAPITAL FUND

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

- SECTION 1. That the General Fund will advance \$15,000.00 to the Capital Fund for the 2015 Pavement Replacement Project
- SECTION 2. That the Capital Fund will repay the advance with the reimbursements from CHIPS

### THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as written Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

## **Waive Rules:**

Moved by Lewis seconded by Jerge to waive rules Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

#### **LMHA**

To: City Council

A proposed resolution for the City Council which is a PHL section 39 condition precedent to refinance our existing bond debt to allow for reduced interest and savings to the LMHA. The city is not obligated in any way financially or otherwise with this resolution. In Lackawanna, the LMHA is an independently funded corporate entity. Subject to your approval, please submit for council approval asap, as time is of the essence.

#### ARC J PETRICCA-ATTORNEY at LAW

### LMHA Bond Refinance-Resolution #12, 2016

WHEREAS, the New York Public Housing Law, Chapter 808 of the Law of 1939, as amended (the "Act"), was enacted by the Legislature of the State of New York (the "State") for the purposes, among others, of promoting the clearance, replanning, reconstruction and rehabilitation of substandard and unsanitary areas and the providing of adequate safe and sanitary low-rent housing accommodations for persons and families of low income; and

**WHEREAS,** to accomplish the purposes of the Act, the Lackawanna Municipal Housing Authority (the "Authority) is authorized to acquire real property and interests therein, buildings and other improvements thereon, and machinery and equipment in connection therewith for the purposes set forth above; and

**WHEREAS**, to accomplish its stated purposes, the Authority is authorized and empowered under the Act to borrow money and issue bonds in such amounts and upon such terms as it may deem advisable; and

WHEREAS, by resolution dated October 27, 2015, the Authority has authorized the issuance of its bonds in an aggregate principal amount not to exceed \$4,000,000 (the "2016 Bonds") for the financing of the project described below (the "Project"); and

WHEREAS, the Project consists of: (a) capital improvements to housing facilities of the Authority, including interior and exterior improvements at Glover Gardens, Baker Homes and Parkview Towers housing developments of the Authority; (b) the advance refunding of the outstanding portion of the Authority's \$4,250,000 Capital Funds Housing Revenue Bonds, Series 2006; (c) the funding of a debt service reserve fund for the Series 2016: and (d) the payment of certain costs of issuance of the Series 2016 Bonds; and

**WHEREAS,** pursuant to Section 39 of the State Public Housing Law, the Authority may undertake projects after the City of Lackawanna has approved such projects; and

WHEREAS, this City Council has been advised by the Authority that by resolution dated\_\_\_\_\_2016, the Authority determined that the Project is a "Type II Action," as such term is defined in the State Environmental Quality Review Act ("SEQRA"), being Article 8 of the New York Environmental Conservation Law, and that, accordingly, no further review of the Project is required pursuant to SEQRA; and

**WHEREAS,** Section 51 of the State Public Housing Law states that bonds of the Authority, including the 2016 Bonds, shall not be a debt of the City of Lackawanna, nor shall the City of Lackawanna be liable thereon;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council as follows:

SECTION 1. Solely to satisfy the requirement of Section 39 of the State Public Housing Law, on behalf of the City of Lackawanna, this City Council hereby approves the Authority's undertaking of the Project to be financed by the issuance and sale of the 2016 Bonds by the Authority, provided that the 2016 Bonds, including interest thereon, shall be obligations of the Authority and shall never be a debt of the City of Lackawanna and the City of Lackawanna shall ever be liable thereon.

SECTION 2. This resolution shall take effect immediately

Moved by Lewis seconded by DePasquale to adopt resolution as written Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

<u>Business Registration-</u> Andre Liszka- DBA The House of Vapor-1805 Abbott Road Moved by Lewis seconded by Jerge to approve business registration

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

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## **Budget Transfer-Worker's Compensation**

To: City Council

I am requesting that you waive the rules for an ordinance to increase the Worker's Compensation budget lines on both the General Fund and Special Revenue Fund as per the 15-16 Budget where it was decided to utilize the Reserves for the additional \$500,000.

### PEGGY BIGAJ-SOBOL-CITY COMPTROLLER

# AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE ADOPTED JULY 16, 2015

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

- **SECTION 1.** That the 2015-2016 Budget Ordinance adopted July 16, 2015 is hereby amended to increase appropriations for Workers Compensation
- **SECTION 2.** That the 2015-2016 Budget Ordinance is hereby amended to add \$464,000.00 to budget code A.9000.9040 Workers Compensation and \$36,000 to A.9000.9551 Transfer to Other Fund-Special Revenue Refuse
- **SECTION 3.** That the 2015-2016 Budget Ordinance is hereby amended to appropriate \$500,000.00 of the City's Fund Balance, which was increased by the transfer of funds from the Workers Compensation Reserve
- **SECTION 4.** That the 2015-2016 Budget Ordinance is hereby amended to a d \$36,000.00 to CL.9000.9040-Special Revenue Refuse, Workers Compensation
- **SECTION 5.** That the 2015-2016 Budget Ordinance is hereby amended to increase budget code CL.0000.5031 Special Revenue Refuse Inter-fund Transfers by \$36,000.00

## THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as written

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale	Carried 5-0
Adjournment:	
Moved by Jerge seconded by Lewis, meeting is adjourned Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale	Carried 5-0
Keith E. Lewis, Council President	
Jacqueline A Caferro, City Clerk	